

-PS/CD-O-

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

DWAYNE JONES, 11A1561,

Petitioner,

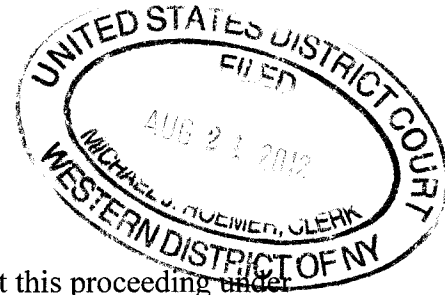
-v-

D. ROCK, Superintendent,

Respondent.

---

DECISION AND ORDER  
12-CV-6421P



Petitioner, an inmate of the Upstate Correctional Facility, has brought this proceeding under 28 U.S.C. § 2241. Petitioner seeks to challenge a determination that he states was made by Commissioner Brian Fischer at Fishkill Correctional Facility, that resulted in the loss of “good time” credits. Fishkill Correctional Facility is located in Dutchess County, New York. The Court finds that the Southern District of New York would be a more convenient forum for this action because the records relating to the petitioner's underlying proceeding are located in that district. *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 499, n.15(1973). The determination of petitioner's application to proceed *in forma pauperis* and evaluation of whether this petition is properly filed as a petition pursuant to 28 U.S.C. 2241 have been left to the Southern District of New York.

IT HEREBY IS ORDERED, that the case is transferred to the United States District Court for the Southern District of New York.

IT IS SO ORDERED.

DAVID G. LARIMER  
United States District Judge

DATED: August 20 2012  
Rochester, New York